

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**REPLY OF DEFENDANT ALASTAIR LEE STEWART IN CONNECTION
WITH THE GOVERNMENT'S RESPONSE TO HIS MOTION FOR
DOWNWARD DEPARTURE FROM THE SENTENCING GUIDELINES**

COMES NOW, Defendant Alastair Lee Stewart, by his lawyer Jon Pushinsky, and, pursuant to the court's directive, submits the instant reply to the Government's downward departure motion response:

1. The Government appears to be correct with respect to the inapplicability of § 5K2.13 departures to Title 18, Chapter 117 offenses.

2. Mr. Stewart stands by his position that the facts and arguments proffered in support of a diminished capacity downward departure are sufficiently mitigating to warrant a variance from the Guidelines.

3. It is the continuing position of the defense that an appropriate sentence in this case is the mandatory minimum.

WHEREFORE, Mr. Stewart requests the entry of an Order granting him an appropriate U.S.S.G. offense level variance due to his diminished capacity and/or the extraordinary circumstances discussed in his sentencing memorandum and supporting material.

Respectfully submitted,

S/ Jon Pushinsky
Jon Pushinsky
Pa. I.D. No. 30434
1408 Law and Finance Building
429 Fourth Avenue
Pittsburgh, PA 15219
(412) 281-6800

Lawyer for Defendant